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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,002	10/16/2003	Tilman Herberger	57648/03-374	4415
22206 7590 07/11/2007 FELLERS SNIDER BLANKENSHIP BAILEY & TIPPENS THE KENNEDY BUILDING 321 SOUTH BOSTON SUITE 800 TULSA, OK 74103-3318			EXAMINER HASAN, SYED Y	
			ART UNIT 2621	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/688,002

Applicant(s)

HERBERGER ET AL.

Examiner

Syed Y. Hasan

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/16/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 – 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Ma (US 2003/0215214)

Regarding claim 1, Ma discloses a method of assisting a user compose a video work (page 1, para 0001) wherein is provided at least one themed template (page 1, para 0010) each of said at least one themed templates containing a plurality of media cells therein, each of said media cells having a cell theme that is related to the theme of the template containing it (page 1, para 0010) and wherein is further provided a plurality of topically related media clips, comprising the steps of:

(a) selecting one of said at least one themed templates (page 2, para 0012, select an appropriate template)

(b) selecting a media clip from among said plurality of topically related media clips (figure 4, 1018, page 6, 0118 illustrates manual editing)

(c) selecting a media cell from among said plurality of media cells in said selected template (figure 4, 1018, page 6, 0118 illustrates manual editing)

(d) storing said selected media clip in said selected media cell (figure 2, 1104, page 1, para 0005)

(e) performing steps (b) through (d) until substantially all of said media cells are filled, thereby composing said video work (figure 4, 1018, page 6, 0118 illustrates manual editing) and,

(f) storing at least a portion of said video work on a computer readable medium (figure 10, page 8, para 0131, illustrates edl for child segment stored in storage device figure 6, 309)

Regarding claim 2, Ma discloses a method, further comprising the step of:

(g) reading at least a portion of said stored video composition from said computer readable medium; and, (h) viewing at least a portion of said read video composition (figure 16, 1406, page 9, para 0148 movie is played in preview window)

Regarding claim 3, Ma discloses a method, of assisting a user compose a video work wherein said topically related media clips comprise topically related video clips (page 1, para 0010 illustrates romantic and adventure theme)

Regarding claim 4, Ma discloses a method of assisting a user compose a video work wherein said topically related media clips further comprise topically related audio clips (figure 1, 108 and page 7, para 0119)

Regarding claim 5, Ma discloses a method wherein each of said media cells within said selected template occurs in a fixed sequence order (page 2, para 0012, arrange in desired sequence)

Regarding claim 6, Ma discloses a method, wherein at least one of said media

cells within said selected template contains a preloaded video clip therein, said preloaded video clip being chosen to be consistent with said theme of said selected template (page 1, para 0010, template directed to a theme)

Regarding claim 7, Ma discloses a method, wherein step (e) comprises the step of (e1) performing steps (b) through (d) until substantially all of said media cells are filled with user selected media clips, (e2) rendering said selected template and said media clips contained therein, thereby creating said video work (figure 4, 1018, page 6, 0118 illustrates manual editing)

Regarding claim 8, Ma discloses a method, wherein step (e) comprises:

(e1) performing steps (b) through (d) until substantially all of said media cells are filled with user selected video clips, thereby creating a video composition (figure 4, 1018, page 6, 0118 illustrates manual editing)

Regarding claim 9, Ma discloses a method creating a video composition, wherein is provided a plurality of topically related video clips and a plurality of audio clips, and wherein is provided at least one themed template, each of said at least one themed templates containing a plurality of themed video cells therein and a plurality of audio tracks therein, comprising the steps of:

(a) selecting one of said at least one themed templates (refer to claim 1 above)

(b) selecting a video cell from among said plurality of themed video cells, said selected video cell having a cell theme associated therewith (refer to claim 1 above)

(c) selecting a video clip from among said plurality of topically related video clips, said selected video clip having a theme at least approximately matching said cell theme

(refer to claim 1 above)

(d) storing said selected video clip in said selected video cell (refer to claim 1 above)

(e) selecting an audio clip from among said provided audio clips (page 7, para 0120 illustrates audio clips)

(f) selecting a track from among said selected template tracks (refer to claim 1 above)

(g) storing said selected audio clip in said selected template track (refer to claim 1 above)

(h) performing steps (b) through (g) until at least one audio track has been added to said selected template and until at least two of said themed video cells are filled with selected video clips, thereby creating a video composition (refer to claim 1 above) and,

(i) viewing at least a portion of said video composition (refer to claim 2 above)

Claim 10 and 17 are rejected based on claim 6 above.

Regarding claim 11, Ma discloses a method, wherein at least one of said audio tracks within said selected template contains a preloaded audio clip, said preloaded video clip having been chosen to be consistent with said theme of said selected template (page 7, para 0120, illustrates EDL containing audio clips)

Regarding claim 12, Ma discloses a method, wherein step (d) comprises the step of:

(d1) if said selected video cell does not contain a video clip stored therein,

storing said selected video clip in said selected video cell, and,

(d2) if said selected video cell contains a stored video clip therein, replacing said video clip with said selected video clip (figure 4, 1018, page 6, 0118 illustrates manual editing)

Regarding claim 13, Ma discloses a method, wherein step (h) comprises the step of (h1) performing steps (b) through (g) until at least one audio track has been added to said selected template and until substantially all of said themed video cells are filled with video clips, and, (h2) rendering said selected video template and the video clips contained therein, thereby creating said video composition (refer to claim 1 and claim 8 above)

Claim 14 is rejected based on claim 1 above.

Claim 15 is rejected based on claim 5 above.

Regarding claim 16, Ma discloses a method, wherein said theme of said themed video template is selected from a group consisting of a birthday celebration, a national holiday, a visit to an amusement park, a visit to a public park, a visit to a national monument, a wedding, a party, and a family reunion (page 1, para 0010, illustrates a romantic and adventure theme).

Regarding claim 18, Ma discloses a method, wherein step (e) comprises the step of:

(e1) if said selected video cell is empty, storing said selected video clip in said selected video cell, and, (e2) if said selected video cell contains a preloaded video clip therein, replacing said preloaded video clip with said selected video clip (figure 4,

1018, page 6, 0118 illustrates manual editing)

Claim 19 is rejected based on claim 2 above.

Claim 20 is rejected based on claim 8 above.

Regarding claim 21, Ma discloses a method, wherein step (f) comprises the step of:

(f1) performing steps (b) through (e) until substantially all of said themed video cells within said selected template are filled with video clips, thereby composing said video work (rejected based on claim 1 and 13 above)

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

Harville et al (7149961) discloses an automatic generation of presentations from "path-enhanced" multimedia.

Samaan et al (US 2002/0138843) discloses a video distribution method and system.


Norton (US 6016380) discloses a template-based edit decision list management system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed Y. Hasan whose telephone number is 571-270-1082. The examiner can normally be reached on 9/8/5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

S.Y.H.
5/12/2007


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